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CP241

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Craig Heacock et al.

Serial No.: 10/616,776

Group Art Unit.: Not Yet Known

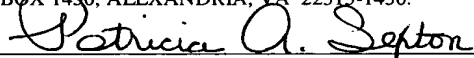
Filing Date: July 10, 2003

Examiner: Not Yet Known

For.: MODAFINIL PHARMACEUTICAL COMPOSITIONS

DATE OF DEPOSIT: October 15, 2003

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Pursuant to 37 C.F. R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98,
information relating to the above-identified application is hereby disclosed. Inclusion of
information in this statement is not to be construed as an admission that this information is
material as that term is defined in 37 C.F.R. § 1.56(b).

- 1a. ☒ In accordance with §1.97(b), since this Information Disclosure Statement is
being filed either within three months of the filing date of the above-identified
application, within three months of the date of entry into the national stage of
the above-identified application as set forth in § 1.491, or before the mailing
date of a first Office Action on the merits of the above-identified application

whichever occurs last, no additional fee is required.

- b. ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, whichever occurs first, therefore:

- ☐ Certification in accordance with § 1.97(e) is attached; or
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- c. ☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the period specified in § 1.97(d) but on or before the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); Petition Requesting Consideration of the Information Disclosure Statement; and the fee of **\$130.00** as set forth in § 1.17(i)(1).

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- 2a. ☒ Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith, with the exception of the U.S. patents which are not required.

- b. ☐ Copies of references listed on the attached Form PTO/SB/08A are enclosed herewith, EXCEPT THAT:

- ☐ In view of the voluminous nature of references **[list as appropriate]**, and the likelihood that these references are available to the Examiner,

copies are not enclosed herewith.

- ☐ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO/SB/08A are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
- ☐ Copies of references [list as appropriate] listed on the attached Form PTO/SB/08A were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. , filed .
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

3a. ☐ All listed references are in the English language.

b. ☒ References **B1 and B2** are not in the English language and enclosed are:

_____ an English translation

___X___ English language abstracts

_____ a concise explanation of its relevance

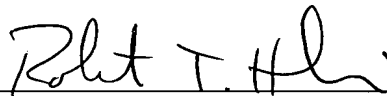
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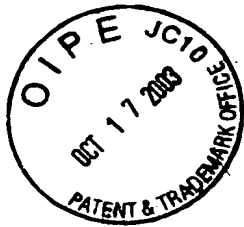
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PTO/SB/08A (08-03)

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

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|------------------------|---------------|
| Application Number | 10/616,776 |
| Filing Date | July 10, 2003 |
| First Named Inventor | Craig Heacock |
| Art Unit | Not Yet Known |
| Examiner Name | Not Yet Known |
| Attorney Docket Number | CP241 |

Sheet 1 of 2

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
| | A1 | US- RE37,516 E | 01-15-2002 | Grebrow et al. | |
| | A2 | US- 4,177,290 | 12-04-1979 | Lafon | |
| | A3 | US- 4,927,855 | 05-22-1990 | Lafon | |
| | A4 | US- 5,180,745 | 01-19-1993 | Lafon | |
| | A5 | US- 5,391,576 | 02-21-1995 | Lafon, deceased | |
| | A6 | US- 5,612,379 | 03-18-1997 | Laurent | |
| | A7 | US- 5,719,168 | 02-17-1998 | Laurent | |
| | A8 | US- 5,843,347 | 12-01-1998 | Nguyen et al. | |
| | A9 | US- 6,346,548 B1 | 12-12-2002 | Miller et al. | |
| | A10 | US- 6,455,588 B1 | 09-24-2002 | Scammell et al. | |
| | A11 | US- 6,462,089 B1 | 10-08-2002 | Battaglia et al. | |
| | A12 | US- 6,488,164 B2 | 12-03-2002 | Miller et al. | |
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FOREIGN PATENT DOCUMENTS

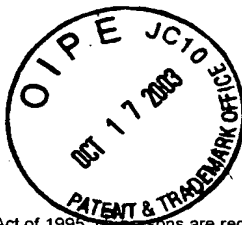
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|---|--------------------------------|--|--|----------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| | B1 | EP 547 952 B1 | 09-06-1995 | Lafon | | |
| | B2 | EP 594 507 A1 | 04/27/94 | Laurent | | |
| | B3 | WO 02/096401 A1 | 12-05-2002 | Corvari et al. | | |
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| First Named Inventor | Craig Heacock |
| Art Unit | Not Yet Known |
| Examiner Name | Not Yet Known |
| Attorney Docket Number | CP241 |

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|--------------------|-----------------------|---|----------------|
| | 11 | Duteil et al., European Journal of Pharmacology, 1990, 180, 49-58 | |
| | 12 | Saletu B. et al., Int. J. Clin Pharm. Res., 1989, IX(3), 183-195 | |
| | 13 | Bastuji et al., Prog. Neuro-Psychopharmacol & Biol. Psychiat., 1988, 12, 695-700 | |
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